HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Misc. Appeal (C.) No. 1309/2007

APPELLANTS: CLAIMANTS

1. Jainab Bee Wd/o late Mohd. Hanif Qureshi, aged about 40 years,
2. Mohd. Sharafraj S/o late Mohd. Hanif Qureshi, aged about 17 years,
3. Mohd. Afaz S/o late Mohd. Hanif Qureshi, aged about 15 years,
4. Ku. Saboha Naz, D/o late Mohd. Hanif Qureshi, aged about 13 years

Appellants No. 2,3,4 are minors through: natural guardian mother Jainab Bee, All R/o Nehru Nagar, Raipur, Tahsil and District Raipur (C.G.)

Versus

RESPONDENTS NON-APPLICANTS

1. Mantu Yadav, S/o Bhringrawan Yadav, R/o Bajrang Para, Bhilai Thana Purana Bhilai, District Durg (C.G.)
2. M/s Building Material Supplier Proprietor Narendra Goel, S/o Natthulal Geol, R/o Station Chowk, Kumhari, District Durg (C.G.)
3. The Oriental Insurance Company Limited, Through: Divisional Manager, The Oriental Insurance Company Limited, Kutchehari Chowk, Jail Road, Raipur, Tahsil and District Raipur (C.G.)

Miscellaneous Appeal Under Section 173 of Motor Vehicles Act,1994

Present :

Shri Satish Chand Verma, counsel for the appellants.

ORAL ORDER

(Passed on 20th November, 2007)

Heard on I.A. No.1 which is an application for condonation of delay in filing this appeal.

(13)

2. For the reasons mentioned in the application (I.A. No. 1), the delay in filing this appeal is condoned.

3. Heard on admission.

4. The appellants are aggrieved by an award dated 29.03.2007 passed by XIIth Additional Motor Accidents Claims Tribunal, F.T.C., Raipur (hereinafter referred to as "the MACT") in Claim Case No. 153/2006 whereby in case of an accidental death of one Hanif Qureshi, aged about 46 years, compensation of Rs.4,36,000/- has been awarded along with interest @ 7.5% per annum from the date of application till realization.

5. The sole point on which learned counsel for the appellants has assailed the impugned award is that the learned MACT ought to have considered the age of the deceased as 43 years and applied the multiplier 16 instead of 13. However, upon a perusal of the impugned award, it is seen that not only in the FIR but also in the postmortem report, the age of the deceased was shown as 46 years. No evidence was led before the MACT to show that the age of the deceased was 43 years. In this view of the matter, the sole arguments advanced by the learned counsel for the appellants fails. Accordingly, the appeal is dismissed at the stage of admission being devoid of merit.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr